

OFFICIAL
FAX RECEIVED

APR 30 2003

GROUP 3600

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Tel 949-760-0404
Fax 949-760-9502
kmb.com

IMPORTANT NOTICE

The information accompanying this facsimile transmission is intended only for the use of the recipient named below. The information may contain confidential information which may also be legally privileged. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us. Any disclosure, copying, distribution or the taking of any action in reliance on the contents of faxed information received in error is strictly prohibited.

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

April 29, 2003

Glen L. Nuttall, Reg. No. 48,188

FACSIMILE TRANSMITTAL SHEET

TO: Examiner Frederick Lyndon Lagman
FIRM: UNITED STATES PATENT AND TRADEMARK OFFICE
GROUP ART UNIT: 3673
SERIAL NO.: 09/848,972
FILING DATE: May 4, 2001
FAX NO.: (703) 305-7687
FROM: Glen L. Nuttall
CLIENT CODE: LOCHT.060RA
TOTAL NUMBER OF PAGES: - 20 - (INCLUDING COVER SHEET)
DATE: April 29, 2003 TIME: P.D.T.
IF YOU DID NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK IMMEDIATELY.

Facsimile Operator Phone Number: (949) 760-0404
Direct Line to Machine: (949) 760-9502

MESSAGE:

Enclosed for filing in the above-identified patent application is a Office Action Response.

Don W. Marlene*
Gordon H. Olson*
James B. Bear
Darrell L. Olson*
William B. Bunker
William H. Njamen
Arthur S. Rose
James F. Leschick
Nad A. Jataelsen
Oren B. Hamilton
Jerry T. Sawall
John B. Spangue, Jr.
Edward A. Schlotter
Gerard von Hoffmann
Joseph R. Re
Catherine J. Halland
John M. Carson
Karan Vogel Wall
Andrew M. Simpson
Jeffrey L. Van Hooser
Daniel E. Altman
Marguerite L. Gunn
Stephen C. Jensen
Vito A. Caruso III
William H. Shreve
Lynda J. Zadine-Symeat
Steven J. Nalapsky
Paul A. Stewart
Joseph F. Jennings
Craig S. Bunnings
AnneMarie Kelsor
Brenton R. Babcock
Thomas P. Smegal, Jr.
Michael H. Trenchard
Olson M. Reed
Ronald J. Schoenbaum
John R. King
Frederick S. Beretta
Nahoy W. Veneko
John P. Glezontianer
Adeel S. Akhtar
Thomas R. Arno
David N. Weiss
Daniel Hirt, Ph.D.
Douglas G. Muehlhauser
Lori Lee Yampelo
Michael K. Friedland
Dale C. Hunt, Ph.D.
Richard E. Campbell

Paul D. Tripodi II
Stacey R. Halpern
Lee W. Henderson, Ph.D.
Mark M. Abumari
Jon W. Gurka
John W. Holcomb
Joseph M. Reisman, Ph.D.
Michael L. Fuller
Eric M. Nelson
Mark R. Bonedici, Ph.D.
Paul M. Conover
Robert J. Roby
Sabine H. Lee
Katherine A. Delaney
Joseph S. Cianfrani
William R. Zimmerman
Paul C. Sialmhard
Deborah S. Shopard
James J. Mullen III, Ph.D.
Glen L. Nuttall
Eric S. Furman, Ph.D.
Tirzah Abe Lowe
Sanjivpal S. Gill
Susan M. Nalland
James W. Hill, M.D.
Rose M. Thiesse, Ph.D.
Michael A. Gulliana
Mark J. Kertz
Rabinder N. Narula
Bruce S. Ichniawitz, Ph.D.
Peter M. Midgley
Michael S. Okamoto
John M. Grover
Mallory K. De Martier
Irfan A. Laleef
Sharon S. Ng
Mark J. Gallagher, Ph.D.
David G. Jonkewski, Ph.D.
Brian C. Morris
Payson J. LeMellieur
Shella N. Suranop
Ben A. Kitzmannenboger
Linda H. Liu
Andrew N. Morickai, Ph.D.
David L. Hausor
James F. Herkenthal
Scott Loros Murty
Andrew M. Douglas
Marc T. Marley

Salima A. Morani, Ph.D.
Ben K. Tahmasebi, Ph.D.
Christy L. Green
Jonathan A. Hyman
Curtis C. Dosier
Richard A. DeCristoforo
Joseph J. Mallon, Ph.D.
Thomas P. Krzeminski
Jeffrey A. Birchak
Sean M. Murray
Eleonore Niu
Valerie L. Bracken
J. David Everett
John F. Kerlee
Jeremy P. Sanders
Perry D. O'Leary
Jerry L. Hefner, Ph.D.
Russell M. Jelde
Abraham W. Chuang
Ryan N. Fair
Pui Toh Ho
Erik T. Anderson
John L. Paik
Eric K. Norton
Jesse A. Rothwell
Marc C. Baumgartner
Ray B. Hom
Danielle Klausner
Kyle F. Schuster
Raphael A. Gutierrez
Camden K. Jackson
Nathan A. Engels
Gregory A. Harrison
Raymond Chan
Zi Y. Wong
John N. Kondara
Matthew S. Bullinger
David K. Wiggins
Dorothy H. Steinhilber, Ph.D.
Lauren Keller
Melissa J. Altman
Ted M. Cannon
Carol M. Pitzer
Josue A. Villalva
Ryan C. Fox
Shella R. Gibson
Andrew I. Kimmel
Mika Fukawa

Of Counsel
Louis J. Knobbe*
Jerry R. Sailer

Japanese Patent Attys
Katsuhito Arai
Tomohisa Sugiyama

Korean Patent Attys
Mincheol Kim
Heungsok Choi

Scientists & Engineers
(Non-Lawyers)

Reimond J. Salenicks**
Khurram Rahman, Ph.D.
Jonathan Haynes, Ph.D.
Tommy T. Nagata
Chia S. Cherkashin, Ph.D.
James W. Ausley**
Jeanette Hayes**
Kirk E. Postorian, Ph.D.
Charles T. Ridgely
Connie C. Tong, Ph.D.
Suzanne Jepsen, Ph.D.
Nira M. Bron**
Jeffrey A. Hopkins**
Tiffany C. Miller**
James W. Chang, Ph.D.
Marina L. Gorday, Ph.D.
W. Frank Dauter
Karen J. Lenker
Chloe Westberg, Ph.D.
Eric B. Ives, Ph.D.
David C. Weber**

* A Professional Corporation
† Also Barister At Law in Canada
** U.S. Patent Agent
†† Also Barister At Law in Canada

350 West C Street
Suite 1200
San Diego, CA 92101
Tel 619-235-0030
Fax 619-235-0178

201 California Street
Suite 1150
San Francisco, CA 94111
Tel 415-854-4114
Fax 415-854-4111

1900 Avenue of the Stars
Suite 1425
Los Angeles, CA 90067
Tel 310-551-3430
Fax 310-551-3430

3403 Tenth Street
Suite 700
Riverside, CA 92501
Tel 951-781-9251
Fax 951-781-4507

1114 Main Street
San Luis Obispo, CA 93401
Tel 805-547-5550
Fax 805-547-5550

GROUP 3600


PATENT

Case Docket No. LOCHT.060RA

Date: April 29, 2003

Page 2

-
- (X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.
- (x) Charge \$124 to Deposit Account No. 11-1410.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.


Glen L. Nuttall
Registration No. 46,188
Attorney of Record
Customer No. 20,995
(949) 760-0404

H:\DOCS\GLN\GLN-6374.DOC
042903

OFFICIAL FAX RECEIVED

APR 30 2003

GROUP 3600

PATENT

Case Docket No. LOCHT.060RA

Date: April 29, 2003

Page 1

In re application of : Thomas J. Lochtefeld
App. No. : 09/848,972
Filed : May 4, 2001
For : SIMULATED WAVER WATER
SCULPTURE
Examiner : F. Lagman
Art Unit : 3673

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

APR 29, 2003

(Date)

Glen L. Kuttall, Reg. No. 46,188

UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 2327
Arlington, VA 22202

Sir:

Transmitted herewith is an amendment in the above-identified application.

(X) An extension of time to respond for 1 month is hereby requested.

Time Extension Fee:

(X) one month (\$55 small entity)
() two months (\$205 small entity)
() three months (\$465 small entity)

The fee has been calculated as shown below:

CLAIMS AS FILED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	80	—	77	= 3 x	\$9	= \$27
Independent Claims	13	—	12	= 1 x	\$42	= \$42
If application has been amended to contain multiple dependent claim(s), then add					\$140	= \$0
Time Extension Fee						\$55
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$124

#12
Request for
Recon
JB
10/10/02

LOCHT.060RA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas J. Lochtefeld)
Reissue)
Appl. No. : 09/848,972)
Filed : May 4, 2001)
Reissue of)
Patent No. : 5,899,634)
For : SIMULATED WAVE WATER)
SCULPTURE)
Examiner : F. Lagman)

Group Art Unit 3673

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

October 3, 2002

Glen L. Nuttall, Reg. No. 46,138

FAX RECEIVED

OCT 03 2002

GROUP 3600

RESPONSE TO OFFICE ACTION

OFFICIAL

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

In response to the Office Action mailed August 12, 2002, Applicant respectfully submits the following comments in connection with the above-captioned application.

Claims 1-8, 10-18 and 20-39 have been allowed; however Claims 42-81 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,036,603 to Mason et al.

Applicant would like to thank Examiner Lagman for the courteous telephone interview with Applicant's attorney, Glen Nuttall, on October 3, 2002. As discussed in the interview, the above-captioned application is a reissue application of U.S. Pat. No. 5,899,634, which issued from an application filed on October 22, 1996. Thus, the priority date of the above-captioned application is October 22, 1996. The application that became the Mason patent was filed on September 29, 1998. As such, the Mason patent is not prior art to the above-captioned

Appl. No. : 09/848,972
Filed : May 4, 2001

application. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of Claims 42-81.

Applicant believes that all of the claims currently are in condition for allowance.

CONCLUSION

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the application in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10/3/02

By: 

Glen L. Nuttall
Registration No. 46,188
Attorneys of Record
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660
(949) 760-0404

H:\DOCS\GLN\GLN-5527.DOC
100302